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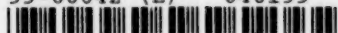
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LETTER DATED 31 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE
OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE
SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 31 December 1998 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs, stating Iraq's categorical rejection of any further dealings on Iraqi territory between the United Nations and non-governmental organizations that do not enjoy any legitimate or legal status in Iraq, and asking that such dealings be halted forthwith. The letter also affirms that the defence of the unlawful presence of such organizations in Iraq offered by the representative of the United Kingdom in the Security Council consultations is merely intended to destroy the credibility and integrity of the United Nations. That organization is being used as a cover for the infiltration of British spies and intelligence personnel into Iraq with a view to intervening in its internal affairs as part of the aggressive conspiracy being carried out against the security and territorial sovereignty of Iraq by the United States of America and the United Kingdom. The imposition of "no-fly" zones in northern and southern Iraq represents one of the criminal aggressive tools used in this conspiracy.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative



Annex

Letter dated 31 December 1998 from the Minister for
Foreign Affairs of Iraq addressed to the President
of the Security Council

I should like to draw your attention to my letter of 15 December 1998 addressed to the Secretary-General (S/1998/1198) concerning his report on assistance in mine clearance (A/53/496), submitted to the General Assembly at its fifty-third session under agenda item 42.

In the section of this report devoted to Iraq, paragraph 83 contains a reference to two international non-governmental organizations conducting mine-action activities in northern Iraq, with which the United Nations Office for Project Services (UNOPS) has been in close liaison although it does not have any formal affiliation with them.

Paragraph 85 of the same report states that Norwegian People's Aid has recently increased its operations to include two manual clearance teams that operate in the Suleimaniyah governorate. It also conducts explosive ordnance disposal operations. The non-governmental organization shares the UNOPS operations training base in Maidan but its major difficulty is in bringing the equipment vital to its work into the region.

It should be pointed out that the Secretary-General of the United Nations has made no reference, in any of the periodic reports he has submitted concerning implementation of the Memorandum of Understanding relating to the oil-for-food programme, to the existence of any dealings of this nature with non-governmental organizations working in northern Iraq that have not obtained permission from the Iraqi Government to enter Iraqi territory and that do not come under the oil-for-food arrangement.

References in the Secretary-General's report indicated that three non-governmental organizations are operating in northern Iraq without the knowledge or approval of the Iraqi Government. This means that their personnel have entered Iraqi territory illicitly, and that UNOPS, which is responsible for supporting the Memorandum of Understanding by carrying out demining in northern Iraq, has been "in close liaison" with them.

The illegal presence in northern Iraq of personnel from these non-governmental organizations constitutes a flagrant violation of Iraq's sovereignty and an infraction of the provisions of international and national law forbidding entry into the territory of a State without the approval of the national authority. The provisions of these laws grant a State the right to subject those who enter its territory without approval to prosecution under its laws, whatever the pretext for such illegal entry.

Iraq considers that United Nations dealings with these non-governmental organizations and institutions which have not entered Iraqi territory legally are an infringement of Iraqi sovereignty and an infraction of the norms of international law and the provisions of Security Council resolutions concerning

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Iraq, which all affirm respect for the sovereignty, unity and territorial integrity of Iraq.

Furthermore, paragraph 3 of the Memorandum of Understanding between the Government of Iraq and the United Nations on the implementation of Security Council resolution 986 (1995), on the basis of which demining work was undertaken, states: "Nothing in the present Memorandum should be construed as infringing upon the sovereignty or territorial integrity of Iraq."

The Government of Iraq therefore categorically rejects continued dealings on Iraqi territory between the United Nations and non-governmental organizations that enjoy no legitimate or legal status there and demands that such dealings should be halted forthwith, and that United Nations or officially approved personnel and those to whom the Government of Iraq extends the necessary facilities for entry into Iraqi territory should be used in order to maintain the spirit of cooperation that exists between the Government of Iraq and the United Nations with respect to implementation of the Memorandum of Understanding.

Reference should here be made to the statements of the Permanent Representative of the United Kingdom to the United Nations at the informal consultations of the Security Council held on the morning of Tuesday, 29 December 1998, when you raised the matter of my aforementioned letter to the Secretary-General. The Representative of the United Kingdom said that the letter had been addressed to the Secretary-General, who was responsible for replying to it, and that he saw no reason for the Security Council to discuss it. Such statements are patent misrepresentations, since they cannot arise from the ignorance of the Permanent Representative of a State which is a permanent member of the Security Council of the duties of the Secretary-General of the United Nations or of the Security Council, particularly when the issue is one that directly relates to the sovereignty and security of a State Member of the United Nations.

When the Permanent Representative of the United Kingdom says that the oil-for-food programme includes a demining programme in northern Iraq, which the Secretariat is responsible for implementing, and that the Government of Iraq has no business with the implementation of the programme in northern Iraq apart from the import of food and medicine, I do not believe that he is unaware of the provisions of the Memorandum of Understanding signed by the Government of Iraq and the Secretary-General of the United Nations on 20 May 1996 concerning the oil-for-food programme, paragraph 3 of which states: "Nothing in the present Memorandum should be construed as infringing upon the sovereignty or territorial integrity of Iraq." Paragraph 4 states: "The provisions of the present Memorandum pertain strictly and exclusively to the implementation of the Resolution and, as such, in no way create a precedent. It is also understood that the arrangement provided for in the Memorandum is an exceptional and temporary measure."

The Permanent Representative of the United Kingdom knows better than anyone else that the methods he has been employing in the Security Council Committee established by resolution 661 (1990) are prompted by narrow political considerations inimical to Iraq and have played a large part in impeding

implementation of the oil-for-food programme and in delaying the arrival of foodstuffs and basic necessities covered by the provisions of this programme. This has been done by blocking a large number of contracts and by preventing the Committee from approving them, on flimsy pretexts. The main aim of those practices is to go to extremes in harming the Iraqi people and to deprive it of its basic humanitarian needs. Whatever success this programme has enjoyed in Iraq has been due primarily and above all to the complete cooperation and coordination between the United Nations and Iraq, despite all the immoral attempts made by the United Kingdom and the United States of America to disrupt and impede this cooperation.

When the representative of the United Kingdom says that the subject of the illegal entry of non-governmental organization personnel into northern Iraq should be referred to the Security Council Committee established by resolution 661 (1990), which is responsible for implementation of Security Council resolution 986 (1995) and suggests that discussion of this matter should be held in that Committee, he cannot be unaware of the nature of the Committee's work. It is a technical body, concerned with the scrutiny of contracts relating to the humanitarian needs covered by the purchase and distribution plans of the oil-for-food programme. The question of the illegal presence of these personnel in northern Iraq falls outside the Committee's competence and has deliberate political dimensions which threaten the security and sovereignty of Iraq and even prejudice the nature of the humanitarian programme that the United Nations is carrying out in Iraq in cooperation with the Iraqi Government. It goes without saying that it is not possible in any way for the Security Council Committee established by resolution 661 (1990) to be involved in any matter that violates the sovereignty, independence and territorial integrity of Iraq, which have been affirmed by all relevant Security Council resolutions.

The logic applied by the Permanent Representative of the United Kingdom in his desperate attempt to divert the attention of the Security Council from this grave matter has two basic components:

1. An attempt by the United Kingdom to destroy the credibility and integrity of the United Nations by involving its programmes in Iraq in matters that conflict with the purposes and principles of the Charter of the United Nations and embroiling it with dubious elements that are engaged in illegal operations that are unrelated to the mandate entrusted to the United Nations in Iraq.
2. The position taken by the representative of the United Kingdom makes it clear that the two organizations to which the Secretary-General referred in his report are British and that their personnel includes spies and saboteurs who constitute a tool in the hand of the United Kingdom Government and its intelligence apparatus to be used in its attempt to intervene in the internal affairs of Iraq.

The Government of the United Kingdom was not ashamed to make rude and vulgar declarations through its highest political figures, in particular Prime Minister Tony Blair, regarding its determination to intervene in the internal affairs of Iraq, call for a change in the national system of government in that country and make a clear threat to use armed force against Iraq in a manner which constitutes a flagrant and dangerous violation of the Charter of the

United Nations and the provisions of international law. It is no secret that the Government of the United Kingdom joined the United States administration in carrying out its threats to use force, heedless of the Security Council, the United Nations and world public opinion, in its comprehensive military attack on Iraq from 16 to 20 December 1998, which destroyed a large number of Iraqi civilian installations and led to the death and injury of a large number of Iraqi people.

The stance adopted by the United Kingdom is in keeping with a series of positions that constitute parts of the conspiratorial and aggressive plans being carried out by the United States and the United Kingdom with a view to threatening Iraq's security, sovereignty and territorial integrity. These criminal plans are embodied in the unilateral imposition of the two "no-fly" zones in northern and southern Iraq, with no authorization from the Security Council. The very nature of this position constitutes a violation of international law and grave disregard and contempt for the United Nations and for the Security Council in particular. It also constitutes a clear act of aggression against the sovereignty of an independent country and founding Member of the United Nations and a material violation of the provisions of the Charter of the United Nations and of the norms of international law.

The repeated violation of Iraqi airspace by United Kingdom and United States aircraft represents a continuation of the aggressive operation against Iraq that those two countries are conducting outside the law. Iraq reiterates its absolute rejection of the two "no-fly" zones imposed by those two aforementioned hostile, outlaw countries. It also fully reserves its right to respond to any act that violates its national sovereignty, land or airspace. The Government of Iraq fully reserves its right to assign to the Governments of the United Kingdom and the United States full international responsibility for these criminal acts of aggression and their attendant consequences, and to seek compensation therefor.

In placing these facts before you and, through you, before the Security Council, on behalf of my Government I request the Security Council to assume its responsibilities pursuant to the Charter of the United Nations and halt this aggressive behaviour on the part of the United Kingdom and United States, which goes beyond all norms and principles of international law, and to restore to the Security Council its role as the main international instrument responsible for the maintenance of international peace and security.

I should be grateful if you would have this letter circulated to members of the Security Council and as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq
